IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 21882 of 2004(E)

PETITIONER:

K.R.KARMACHANDRAN PILLAI,
HSA, MMHS, VILAKUDY, PUNALUR,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL
SMT.MEREENA JOSEPH

RESPONDENTS:

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1. PRINCIPAL SECRETARY,
FINANCE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (AUDIT),
KERALA, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
THEVALLY, KOLLAM.

4. DISTRICT EDUCATIONAL OFFICER,
PUNALUR, KOLLAM DISTRICT.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 21882/2004 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE GO P NO. 399/99/178/FIN DT.5/2/99.

EXT.P2. COPY OF THE CHALAN RECEIPT NO. 485 DT.29/7/99 IN THE SUB TREASURY ANCHAL.

EXT.P3. COPY OF THE AUDIT OBJECTION NO. 10129/92/PR /1/FIND T. 20/12/99.

EXT.P4. COPY OF THE ORDER NO. B1/7686/02 DT. 30/12/02 BY THE R4.

EXT.P5. COPY OF THE JUDGMENT IN OP NO. 7900/03 DT. 7/3/03 OF THIS COURT.

EXT.P6. COPY OF THE GOVT. ORDER GO P NO. 206/03/EDN DT. 5/4/03.

EXT.P7. COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE RESPONDENT DT. 5/5/04.

EXT.P8. COPY OF THE ORDER NO. B1/7686/02 DT. 3/7/04 BY THE R4.

EXT.P9. COPY OF THE ORDER NO. B5/5375/05 DT. 8/5/06 BY THE R4.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 21882 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

Petitioner is aggrieved since the option exercised as per Government Order dated 05.02.1999 has not been accepted. It is already held in several decisions of this Court that the option exercised as per the Government Order prevailing at the date of option, namely the Government Order dated 05.02.1999 is valid. Option exercised as per Government Order dated 05.02.1999 is to be treated in order.

2. The benefits, if any, to be disbursed on account of the dispute shall be disbursed to the petitioner within three months from the date of production of a copy of this judgment. The amount, if any, refunded as per Exhibit P2 will also be duly credited.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp